

R marks

In the Action mailed April 14, 2003, the Examiner rejected claims 1-20 under § 102(b) based upon U.S. Re 35,293 to Hiraoka et al.

In view of the remarks set forth herein, it is respectfully urged that all pending claims are in condition for allowance.

A. Rejection of Claims 1-20 Under § 102(b) Based Upon U.S. Re 35,293 to Hiraoka et al. Must Be Withdrawn

In support of this ground of rejection, the Examiner asserted:

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiraoka et al (Re 35,293). Regarding claim 1, Hiraoka discloses a golf ball comprising a core made from a polybutadiene (A). Polybutadiene (A) may be commercially available BUNA CB 10 (col 1, lines 52-67). According to applicant's spec page 11, table 3 BUNA CB 10 has a solution viscosity of 140 ± 20 mPa*s. Regarding claim 2, the COR value is an inherent feature since the polybutadiene is identical to applicant's. Regarding claim 3, applicant appears to be claiming a method of production which is not relevant to the final product. However, any properties based on the polybutadiene are inherent since applicant's is identical to Hiraoka. Regarding claim 4, Hiraoka discloses a Mooney viscosity range from 45 to 90 (col 1, line 59) and applicant discloses a Mooney viscosity range from 45 to 90 (col 1, line 59 and applicant discloses BUNA CB 10 has a Mooney viscosity of 47 ± 5 (spec table 3). Regarding line 5, the golf ball includes a cover (col 2, lines 58-61). Regarding claim 6, the polybutadiene has a 1-4 cis content of 80% or more (col 1, lines 53-55) and applicant discloses BUNA CB 10 has a 1-4 cis content of 96% or more (page 11, table 3). Regarding claim 7, the core composition includes a second polybutadiene (B)(col 2, lines 1-5). Regarding claim 8, according to applicant's spec page 11, table 3 BUNA CB 10(Hiraoka polybutadiene A) has a solution viscosity of 140 ± 20 mPa*s. Regarding claim 9, the COR value is an inherent feature since the polybutadiene is identical to applicant's. Regarding claim 10, Hiraoka discloses a golf ball comprising a core made from a polybutadiene (A). Polybutadiene (A) may be commercially available BUNA CB 10 (col 1, lines 52-67). According to applicant's spec page 11, table 3 BUNA CB 10 has a solution viscosity of 140 ± 20 mPa*s. Regarding claims 16 and 17, Hiraoka discloses the method of making a golf ball including selecting BUNA CB 10 for the core material and molding the core composition (col 2, lines 55-60). the performance features of the core are inherent since the material is identical to applicants. Regarding claim 18, the features of the polybutadiene are inherent since the material is identical to applicants. Regarding claim 19, Hiraoka discloses a Mooney viscosity range from 45 to 90 (col 1, line 59) and applicant discloses BUNA CB 10 has a Mooney viscosity of 47 ± 5 (spec table 3). Regarding claim 20, according to applicant's spec page 11, table 3 BUNA CB 10 (Hiraoka polybutadiene A) has a solution viscosity of 140 ± 20 mPa*s.

Pages 2-4 of the April 14, 2003 Office Action.

Although Applicant traverses the present rejection, amendments have been made to further distinguish the claimed subject matter from the limited disclosure of Re 35,293 to Hiraoka et al.

Independent claims 1, 10, and 16 have been amended to recite that the polybutadiene rubber used in the cores of the claimed golf balls, exhibits a solution viscosity of from about 90 mPa·s to about 130 mPa·s. The Re 35,293 document notes the use of BUNA CB 10 as a preferred polybutadiene rubber used in cores. That rubber exhibits a solution viscosity of 140 mPa·s. The '293 document entirely fails to disclose the use of polybutadiene rubbers having lower solution viscosities, and in particular, solution viscosities in the range of 90 to 130 mPa·s. Support for the noted amendment is found throughout the present application. See for instance, p. 6, lines 17-30; Table 1 on page 9; and Table 2 on p. 10. Dependent claims 8, 15, and 20 have been cancelled in view of the amendments to their respective independent claims.

Furthermore, independent claim 10 is also distinguishable from Re 35,293 since claim 10 recites that the polybutadiene rubber in the core exhibits a solution viscosity of from about 90 mPa·s to about 130 mPa·s and the core exhibits a coefficient of restitution of at least about 0.783. The Re 35,293 document is entirely silent as to the values of coefficients of restitution that its cores may exhibit. For at least this reason, the '293 document fails to anticipate claim 10 and its dependent claims.

Additionally, many of the dependent claims contain recitations for features or characteristics of the claimed golf balls that the Re 35,293 document simply fails to disclose. For example, claims 2 and 9 recite particular coefficients of restitution (or ranges thereof) that are not disclosed in Re 35,293. Nor is there any disclosure in that document of those values in conjunction with the features recited in independent claim 1 from which claims 2 and 9 depend.

The present rejection under § 102 must be withdrawn.

B. New Claims 21-23


New claims 21-23 have been added. These claims are directed to a unique embodiment of the present invention golf balls when such balls utilize cores formed from two or more polybutadiene rubbers. Claims 21 and 22 are ultimately dependent from independent claims 1 and 10, respectively, and recite particular weight percent ranges for a second polybutadiene rubber used in the cores of the claimed golf balls. Specifically, the second rubber is present in an amount of from about 30% to about 50%. New claim 23, although an independent claim, recites a particular set of weight percentages for two polybutadiene rubbers that are used in a core of a claimed golf ball. Claim 23 additionally recites a particular range of solution viscosities for the primary polybutadiene rubber. No new matter is added by claims 21-23 since support is found throughout the present application, such as at p. 12, lines 10-20.

The '293 document entirely fails to disclose these aspects. Instead, the '293 document specifically instructs using 25% or less of a second polybutadiene component. See col. 2, lines 17-24.

C. Conclusion

In view of the foregoing, it is respectfully submitted that all claims 1-7, 9-14, 16-19 and 21-23 are in condition for allowance.

Respectfully submitted,
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